

SENATE BILL No. 300

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-12-3.8; IC 12-14-29.

Synopsis: Recidivism reduction pilot project. Requires the department of correction to identify the 10 counties, not including Marion County, from which the greatest number of offenders have been admitted to the department, and permits these counties to participate in the three year major sentencing county recidivism reduction pilot project. Establishes criteria for the pilot project and permits the department of correction to award financial assistance to a county participating in the pilot project. Provides that an individual participating in the pilot project is eligible for benefits under the federal SNAP and TANF programs.

Effective: Upon passage; July 1, 2015.

Taylor

January 8, 2015, read first time and referred to Committee on Corrections & Criminal Law.



First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 300

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 11-12-3.8-1, AS ADDED BY P.L.184-2014,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 1. ~~As used in~~ **The following definitions apply**
4 **throughout** this chapter:

5 **(1) "Major sentencing counties" means the ten (10) counties,**
6 **not including Marion County, from which the greatest**
7 **number of adult offenders have been admitted to the**
8 **department of correction, as determined by the department**
9 **of correction.**

10 **(2) "Mental health and addiction forensic treatment services"**
11 **means evidence based treatment and recovery wraparound**
12 **support services provided to individuals who have entered the**
13 **criminal justice system as a felon or with a prior felony**
14 **conviction. The term includes:**

15 ~~(1)~~ **(A)** mental health and substance abuse treatment;

16 ~~(2)~~ **(B)** vocational services;



- (3) (C) housing assistance;
- (4) (D) community support services;
- (5) (E) care coordination; and
- (6) (F) transportation assistance.

SECTION 2. IC 11-12-3.8-5, AS ADDED BY P.L.158-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) The commissioner may award financial assistance to a community corrections program based on the proposed implementation of evidence based practices or the proposed coordination of services with other community supervision agencies operating in the same county.

(b) Before providing financial assistance under this section, the commissioner shall consult with the judicial conference of Indiana and the division of mental health and addiction:

- (1) for the purpose of more effectively addressing the need for:
 - (A) substance abuse treatment;
 - (B) mental health services; and
 - (C) other services for offenders placed on community supervision; and
- (2) to avoid duplication of services.

(c) Mental health and addiction forensic treatment services may be provided by grants under this section. Evidence based treatment and recovery wraparound support services may be provided to individuals who have entered the criminal justice system as a felon or with a prior felony conviction. Services provided under this section may include:

- (1) mental health and substance abuse treatment;
- (2) vocational services;
- (3) housing assistance;
- (4) community support services;
- (5) care coordination; and
- (6) transportation assistance.

(d) Mental health and addiction forensic treatment services provided under this section shall be administered or coordinated by a provider certified by the division of mental health and addiction to provide mental health or substance abuse treatment.

(e) The commissioner may award financial assistance under this chapter to the:

- (1) Marion County recidivism reduction pilot project established under section 6 of this chapter; **and**
- (2) **major sentencing county recidivism reduction pilot project established under section 7 of this chapter.**

~~This subsection~~ **Subsection (e)(1) expires June 30, 2017. Subsection**



(e)(2) expires June 30, 2018.

SECTION 3. IC 11-12-3.8-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) The circuit or superior court of a major sentencing county may, in consultation with the department of correction, establish the major sentencing county recidivism reduction pilot project, a three (3) year pilot project to provide mental health and addiction forensic treatment services to reduce the risk of recidivism among persons whose participation in the program is an alternative to commitment to the department of correction.

(b) Except as provided in subsection (c), the pilot project established under this section must provide evidence based services for persons participating in the following programs:

(1) A diversion program.

(2) An alternate misdemeanor sentencing program.

(3) Probation, if the person is placed on probation as an alternative to being committed to the department of correction.

(4) Community corrections, if the person is placed in a community corrections program as an alternative to being committed to the department of correction.

(5) Home detention, if the person is placed in home detention as an alternative to being committed to the department of correction.

(6) Any other program involving community supervision as an alternative to commitment to the department of correction, if the program is approved by the court and the department of correction.

(c) The following persons may not participate in the pilot project established under this section:

(1) A sex or violent offender (as defined in IC 11-8-8-5).

(2) A person convicted of a felony described in:

(A) IC 35-42-1;

(B) IC 35-42-3.5; or

(C) IC 35-42-4.

(d) Mental health and addiction forensic treatment services provided as part of the pilot project established under this section may be administered or coordinated only by a provider certified by the division of mental health and addiction with expertise in providing evidence based forensic treatment services.

(e) The circuit or superior court shall, if a pilot project is



established under this section, provide a report to the legislative council before October 1 of each year, beginning on October 1, 2016. The report must include the following data:

- (1) Recidivism rates for persons in the program.
- (2) The cost of the program.
- (3) Cost savings of the program.
- (4) Opportunities for replication.
- (5) Other information requested by the legislative council.

The report must be in an electronic format under IC 5-14-6.

(f) This section expires June 30, 2018.

SECTION 4. IC 11-12-3.8-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) Before July 1, 2015, the department shall identify the ten (10) counties, not including Marion County, from which the largest number of adult offenders have been admitted to the department during the period beginning July 1, 2010, and ending May 15, 2015.

(b) After identifying the ten (10) counties described in subsection (a), the department shall transmit this information to the Indiana judicial center, which shall forward this information to the appropriate judges in each county.

(c) This section expires October 15, 2015.

SECTION 5. IC 12-14-29-2, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2015 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. Under this chapter, an individual is eligible for food stamps the federal Supplemental Nutrition Assistance Program (SNAP) if the individual meets all the following requirements:

- (1) The individual is a resident of:
 - (A) a county having a reentry court program;
 - (B) a county that offers individuals on probation or in a community corrections program ~~evidence-based~~ evidence-based mental health and addiction forensic treatment services administered or coordinated by a provider certified by the division of mental health and addiction to provide mental health or addiction treatment; ~~or~~
 - (C) Marion County; ~~or~~
 - (D) a county participating in the major sentencing county recidivism reduction pilot project described in IC 11-12-3.8-7.

- (2) The individual was convicted of an offense under IC 35-48



(controlled substances) for conduct occurring after August 22, 1996.

(3) Except for 21 U.S.C. 862a(a), the individual meets the federal ~~and Indiana food stamp~~ **Supplemental Nutrition Assistance Program (SNAP)** requirements.

(4) The individual is successfully participating in:

(A) a reentry court program;

(B) an ~~evidence-based~~ **evidence based** mental health and addiction forensic treatment services program administered or coordinated by a provider certified by the division of mental health and addiction to provide mental health or addiction treatment as part of the person's probation or community corrections; ~~or~~

(C) the Marion County superior court pilot project described in IC 11-12-3.8-6; **or**

(D) the major sentencing county recidivism reduction pilot project described in IC 11-12-3.8-7.

SECTION 6. IC 12-14-29-3, AS AMENDED BY P.L.158-2014, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. Under this chapter, an individual is eligible for the TANF program if the individual meets all the following requirements:

(1) The individual is a resident of:

(A) a county having a reentry court program;

(B) a county that offers individuals on probation or in a community corrections program ~~evidence-based~~ **evidence based** mental health and addiction forensic treatment services administered or coordinated by a provider certified by the division of mental health and addiction to provide mental health or addiction treatment; ~~or~~

(C) Marion County; **or**

(D) a county participating in the major sentencing county recidivism reduction pilot project described in IC 11-12-3.8-7.

(2) The individual was convicted of an offense under IC 35-48 (controlled substances) for conduct occurring after August 22, 1996.

(3) Except for 21 U.S.C. 862a(a), the individual meets the federal and Indiana TANF program requirements.

(4) The individual is successfully participating in:

(A) a reentry court program;

(B) an ~~evidence-based~~ **evidence based** mental health and



addiction forensic treatment services program administered or coordinated by a provider certified by the division of mental health and addiction to provide mental health or addiction treatment as part of the person's probation or community corrections; ~~or~~

(C) the Marion County superior court pilot project described in IC 11-12-3.8-6; ~~or~~

(D) the major sentencing county recidivism reduction pilot project described in IC 11-12-3.8-7.

SECTION 7. IC 12-14-29-4, AS AMENDED BY P.L.158-2014, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. In accordance with 21 U.S.C. 862a(d)(1), the state elects to opt out of the application of 21 U.S.C. 862a(a) for individuals participating in:

(1) a reentry court program;

(2) a program that offers individuals on probation or in a community corrections program ~~evidence-based~~ **evidence based** mental health and addiction forensic treatment services administered or coordinated by a provider certified by the division of mental health and addiction to provide mental health or addiction treatment; ~~or~~

(3) the Marion County superior court pilot project described in IC 11-12-3.8-6; ~~or~~

(4) the major sentencing county recidivism reduction pilot project described in IC 11-12-3.8-7.

SECTION 8. IC 12-14-29-7, AS AMENDED BY P.L.158-2014, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. A court shall immediately notify the division of family resources local office:

(1) upon the court's finding of probable cause that an individual has committed a felony offense during the period in which the individual is eligible for TANF or the federal Supplemental Nutrition Assistance Program; or

(2) when an individual has been terminated from:

(A) a reentry court program;

(B) an ~~evidence-based~~ **evidence based** mental health and addiction forensic treatment services program administered or coordinated by a provider certified by the division of mental health and addiction to provide mental health or addiction treatment as part of the person's probation or community corrections; ~~or~~

(C) the Marion County superior court pilot project described



1 in IC 11-12-3.8-6; **or**
2 **(D) the major sentencing county recidivism reduction pilot**
3 **project described in IC 11-12-3.8-7.**
4 during the period in which the individual is eligible for TANF or
5 the federal Supplemental Nutrition Assistance Program.
6 **SECTION 9. An emergency is declared for this act.**

